

“DRAFT”

**Martin Creek Instream Restoration
ENVIRONMENTAL ASSESSMENT**

South River Field Office
EA# OR-105-03-05

Date Prepared: March 27, 2003

Finding of No Significant Impact

The South River Field Office, Roseburg District, Bureau of Land Management (BLM), has completed the Environmental Assessment (EA) for the Martin Creek Instream Restoration project. Two alternatives were analyzed consisting of a “Proposed Action” identified as Alternative 1, and “No Action” identified as Alternative 2. The alternatives are described in Chapter 2 of the EA (pp. 3-4).

The following Critical Elements of the Human Environment are not present in the project area and would not be affected: Areas of Critical Environmental Concern (ACEC); Prime or Unique Farmlands; Wild and Scenic Rivers; Wetlands; Wilderness; Wastes, Hazardous or Solid.

The following Critical Elements of the Human Environment would not be affected by the proposed instream restoration work: Air Quality; Visual Resources; Water Quality. No unique characteristics would be impacted, as described in Council on Environmental Quality Regulations contained in the Code of Federal Regulations at 40 CFR § 1508.27(b)(3).

The proposed instream restoration project is consistent with Executive Order 12898 which addresses Environmental Justice in minority and low-income populations. There would be no impacts to low-income or minority populations that have been identified by the BLM internally or through the public involvement process. Correspondence with local Native American tribal governments did not identify any known unique or special resources in the project area which provide employment, subsistence or recreation opportunities.

Correspondence with local Native American tribal governments did not identify any religious concerns or values associated with the proposed project site, so there would be no effect on Native American Religious Concerns (40 CFR § 1508.27 (b)(8)).

Section 106 responsibilities, under the National Historic Preservation Act, have been met by the BLM in accordance with the 1998 Oregon State Historic Preservation Office protocols. A review of current inventories identified one documented prehistoric site in the immediate project area. This site would be protected from any disturbance.

As described in the EA (p. 10), surveys of the remainder of the area are underway. Any additional sites identified would be subject to protection from disturbance. As a consequence, there would be no impacts to scientific, cultural, or historical resources (40 CFR § 1508.27 (b)(8)).

The project area is within the home range of two pairs of the Federally-threatened northern spotted owl (*Strix occidentalis caurina*), and in the 35-50 mile management zone for the Federally-threatened marbled murrelet (*Brachyramphus marmoratus*). The Federally-endangered bald eagle (*Haliaeetus leucocephalus*) is also known to roost and forage in nearby Cow Creek. Suitable habitat for the Federally-threatened Kincaid's lupine (*Lupinus sulphureus* var. *kincaidii*) is also present in portions of the project area.

The BLM has made a determination of "may affect, not likely to adversely affect" for the spotted owl, based on modification of habitat. This would be the result of felling trees, but these would be selected to avoid trees that possess obvious nesting habitat. A determination of "no effect" was made for disturbance because known sites are more than ¼-mile distant from the project area, and because the project would occur after June 30th, beyond the critical period during which nesting birds would be susceptible to activity-induced disturbance. Effects to designated critical habitat were also determined as a "may affect, not likely to adversely affect" because the removal of scattered trees would not preclude Critical Habitat Unit OR-62 from fulfilling its intended function.

A determination of "may affect, not likely to adversely affect" for disturbance was made relative to murrelets that could possibly be nesting in the project area, because daily operational restrictions would be applied (EA, p. 15).

The project was determined as "likely to adversely affect" murrelets for habitat modification because trees felled for use as instream structures could result in the loss of nesting habitat, felling could damage or destroy adjacent nesting habitat, and the creation of canopy openings could expose nests directly to the weather or to predation.

A determination of "may affect, not likely to adversely affect" was made for the bald eagle. The distance from Martin Creek to Cow Creek or the South Umpqua River make the probability that eagles would nest in the project area very low. Trees selected for felling in association with the instream project would avoid dominant trees that would provide nesting habitat. While potential roost trees could be removed, overall stand conditions would remain largely unchanged and the area would still provide roosting habitat.

A determination of "no effect" was made for Kincaid's lupine, because if site surveys locate populations of the lupine, those portions of the project area would be excluded to protect the lupine and existing habitat.

The BLM is engaged in formal consultation with the U.S. Fish and Wildlife Service for effects of the project on the marbled murrelet, and in informal consultation for concurrence on determinations regarding the northern spotted owl.

As a consequence, there would be no significant adverse impacts to any special status species in the project area (40 CFR § 1508.27 (b)(9)), and any impacts would be within the range and scope of those analyzed in the Roseburg District *Proposed Resource Management Plan/Environmental Impact Statement* (PRMP/EIS).

Martin Creek provides spawning and rearing habitat for the Oregon Coast coho salmon, a Federally-threatened species, and the Oregon Coast steelhead trout, a candidate for listing as threatened.

The effects of the proposed project on the coho salmon and steelhead trout would be primarily attributable to fine sediment derived from erosion of disturbed areas, stream bank disturbance, and instream activities associated with the project. These effects were determined to be “likely to adversely affect” coho salmon and steelhead trout in the short term, but would not jeopardize the continued existence of either species. Effects on Essential Fish Habitat are considered substantively the same.

In the long term, the project would beneficially affect salmon and trout. Replacement of the culvert on Road No. 32-7-1.2 would restore access to approximately 1 mile of habitat in a side-tributary of Martin Creek (EA, p. 4). The placement of instream structures in Martin Creek would aggrade the stream, reduce fine sediments, improve and augment spawning and rearing habitat for fish, and improve water quality in general.

The National Marine Fisheries Service addressed the effects of projects of this nature in the October 18, 2002, *Programmatic Biological and Conference Opinion for Programmatic Activities Affecting SONC Coho Salmon, OC Coho Salmon, and OC Steelhead*. This opinion sets forth Reasonable and Prudent Measures, and Terms and Conditions, in conjunction with authorization of Incidental Take.

The project design criteria and best management practices to be employed in the implementation of the project are consistent with the Reasonable and Prudent Measures, and Terms and Conditions contained in the opinion. As a consequence, the project would not have any significant adverse impacts to coho salmon, steelhead trout and Essential Fish Habitat, within the context of 40 CFR § 1508.27(b)(9).

The Martin Creek Instream Restoration project is consistent with applicable Federal, State, and local laws (40 CFR § 1508.27(b) (10)). The impacts of the proposed action on the human environment do not exceed those anticipated and addressed in the Roseburg District PRMP/EIS.

Of the twelve points listed under 40 CFR § 1508.27(b), the following were considered and found not to apply to the proposed action: significant beneficial or adverse effects; significant effects on public health or safety; effects on the quality of the human environment that are likely to be highly controversial; anticipated cumulatively significant impacts; highly uncertain or unknown risks; and no precedents for future actions with significant effects.

Pursuant to Executive Order 13212, the BLM must consider the effects of this decision on the President's National Energy Policy. Within the project areas, there are no known energy resources with the potential for commercial development, nor are there any pipelines, electrical transmission lines, or energy producing or processing facilities. As a consequence, the proposed Martin Creek Instream Restoration project would have no known adverse effect, either direct or indirect, on National Energy Policy.

Based on the analysis of potential impacts contained in the EA, I have determined that the proposed action will not have significant impact on the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969, and that an EIS is not required. I have determined that the proposed action is in conformance with the Roseburg District PRMP/EIS and *Record of Decision/ Resource Management Plan* (June, 1995).

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Date